

**DELTA PROTECTION COMMISSION**

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March 28, 1996

**To: Delta Protection Commission**

**From: Margit Aramburu**

**Subject: Letter Regarding Sewage Effluent and Sludge - Mailed to Contra Costa, Sacramento, Solano and Yolo Counties**

The attached letter was mailed on March 18, 1996 to the following counties: Contra Costa, Sacramento, Solano and Yolo. San Joaquin County does not allow sewage effluent or sludge in the Primary Zone of the Delta.

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March 11, 1996

County Board of Supervisors

Subject: Discharge of Sewage Effluent and Sludge into the  
Primary Zone of the Delta

Dear Honorable Members of the Board of Supervisors:

I am writing on behalf of the Delta Protection Commission (Commission). The Commission adopted a Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan) in February 1995. The Plan seeks to protect and enhance the resource values, wildlife habitats, and agricultural activities in the Delta Primary Zone.

Within the Plan, the Commission included a policy which directed the local governments (counties) to **not** allow new sewage treatment facilities, including storage ponds, and areas for disposal of sewage sludge and sewage effluent in the Primary Zone of the Delta (Utilities and Infrastructure Policy P-3 (P-3)).

The Commission was sued by Wheelabrator Clean Water Systems, Inc., Bio Gro Systems Division, in Sacramento County Superior Court. The issue in the case was whether P-3 was a "regulation" subject to the provisions of the Administrative Procedure Act (APA). The APA requires that regulations adopted by State agencies be reviewed and approved by the Office of Administrative Law (OAL) before they may take effect.

## 1. Soils and Hydrology.

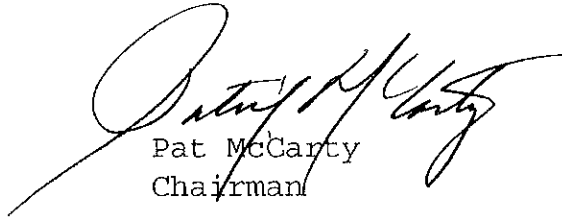
Due to unique soil conditions and hydrology, much of the Primary Zone is at constant risk of flooding and/or inundation. Some have described the Delta as a mat of peat soil floating atop a large pool of water. Much of the Delta is actually below sea level and is protected by levees from daily inundation. Many areas of the Delta must be vigorously drained and pumped to keep the groundwater table below the surface of the land and to avoid flooding. This means most of the Primary Zone is continuously subject to potential flooding if pumping were to cease or if a levee break were to occur. There have been repeated levee breaks in the Delta. Two small islands flooded in 1995. Levee breaks can result from varied causes, including overtopping, erosion by floodwater, weak spots (beaver burrows, fallen tree root balls), and others. The Delta levees are also susceptible to failure due to seismic activity. In the case of a levee break or rising groundwater soon after sludge placement, flood waters would carry off materials placed on the island's surface and contaminate significant other land and water areas. The low surface elevation, location in the flood plain, and soils subject to subsidence make lands in the Primary Zone inappropriate as a location for a new sewage treatment plant as well as inappropriate for sewage sludge and effluent application or disposal.

## 2. Drinking Water.

Land application of sewage sludge and effluent in the Primary Zone of the Delta poses risks of adverse impacts to water quality from the potential escape or release or runoff of sewage sludge and contaminants into the Delta water "pool". Approximately two-thirds of the population of the State of California receives at least some of its drinking water from the Delta. There is a constant effort to maintain and/or improve the water quality in the Delta waterways through control over urban nonpoint discharges, close monitoring of urban wastewater discharges into the Delta, testing and monitoring of pesticide discharges from agricultural drains, etc.

In summary, on behalf of the Commission, I urge you to protect the Delta Primary Zone from possible adverse impacts outlined above through **denial** of any new application for new sewage treatment plants, or areas for disposal (land application) of sewage sludge or sewage effluent while the proposed regulation is being processed. Please feel free to call the Commission's Executive Director, Margit Aramburu, if you have questions about this letter.

Sincerely,



Pat McCarty  
Chairman

cc: Planning Director  
Delta Protection Commission